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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL CRUZ,

Plaintiff,

No. 2:10-cv-1162 KJM EFB P

vs.

MICHAELS, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This action proceeds on the January 24, 2011 amended complaint on plaintiff’s Eighth Amendment deliberate indifference to medical needs claims against defendants Reynolds, Clark, and Mallet, and his excessive force claims against defendant Brown. *See* Complaint (Dckt. No. 21); March 13, 2012 Order (Dckt. No. 48). On January 15, 2013, the court issued an amended scheduling order, providing that, absent good cause, no further amendments to the complaint would be permitted. Dckt. No. 57 (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Plaintiff now seeks leave to add a retaliation claim to his complaint. Dckt. No. 58.

A scheduling order may be modified upon a showing of good cause. Fed. R. Civ. P. 16(b). Good cause exists when the moving party demonstrates he cannot meet the deadline

1 despite exercising due diligence. *Johnson*, 975 F.2d at 609. According to plaintiff, “the
2 underlying facts and evidence” supporting his proposed retaliation claim “have been visible
3 from the genesis of these proceedings.” Dckt. No. 58 at 5. Nevertheless, plaintiff apparently
4 neglected to allege a retaliation claim earlier because he is not experienced in the law. *Id.*
5 Plaintiff’s inexperience with the law, however, does not justify modification of the scheduling
6 order. Plaintiff is required to comply with the Federal Rules of Civil Procedure and the Local
7 Rules of the Eastern District of California. *See McNeil v. United States*, 508 U.S. 106, 113
8 (1993) (procedural requirements apply to all litigants, including prisoners lacking access to
9 counsel); L.R. 183(a) (“Any individual representing himself or herself without an attorney is
10 bound by the Federal Rules of Civil or Criminal Procedure, these Rules, and all other applicable
11 law.”). Because the deadline for amending the complaint has passed, and because plaintiff fails
12 to demonstrate good cause to modify the schedule, plaintiff’s motion to amend the complaint
13 must be denied.

14 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion to amend his complaint
15 (Dckt. No. 58) is denied.

16 DATED: February 26, 2013.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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